

IN THE SUPREME COURT OF THE STATE OF MONTANA
THE OFFICE OF THE CLERK OF SUPREME COURT
HELENA, MONTANA 59620-3003

JAMES D MOORE
ATTORNEY AT LAW
PO BOX 116
KALISPELL MT 59903-0116

September 30, 2009

**NOTICE REQUIRING FILING OF AMENDED NOTICE OF APPEAL
OR CROSS-APPEAL**

Supreme Court No.
DA 09-0505

CACV OF COLORADO, LLC,

Plaintiff and Appellee,

v.

JAMES R. MOSTI,

Defendant and Appellant.

Notice of Appeal Filed was filed on September 30, 2009 in that cause of action filed in Flathead County - Eleventh Judicial District as Cause No. DV 06-744(B). The notice does not contain the following required certification(s):

1. XXX That this matter _____ is/is not _____ subject to the mediation process required by M. R. App. P. 7. If subject to mediation, the money judgment being sought _____ is/is not _____ less than \$5,000.
2. _____ That this matter _____ is/is not _____ an appeal from an order certified as final under M. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached to the notice of appeal/cross-appeal as Exhibit "A."
3. _____ That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.
4. _____ That all available transcripts of the proceedings in this cause involving the issue(s)

appealed _____ have been/have not been _____ ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.

5. _____ That all available transcripts of the proceedings in this cause involving the issue(s) cross-appealed _____ have been/have not been _____ ordered from the court reporter contemporaneously with the filing of this notice of cross-appeal. If all available transcripts have not been ordered, that Cross-Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of cross-appeal.

6. _____ That a copy of the notice of _____ appeal/cross-appeal _____ has been contemporaneously filed in the office of the Clerk of the District Court and served by mail on all attorneys of record and on all parties not represented by an attorney.

7. _____ That the notice of appeal/cross-appeal was not accompanied by the filing fee prescribed by statute or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3. PLEASE NOTE THAT THE NOTICE OF APPEAL/CROSS-APPEAL WILL NOT BE FILED UNTIL THE FILING FEE IS PAID OR THE AFFIDAVIT FILED.

YOU ARE HEREBY DIRECTED TO CORRECT THE ABOVE-CHECKED DEFICIENCIES WITHIN 11 DAYS OF THE DATE OF THIS NOTICE AND TO BRING THE NOTICE INTO COMPLIANCE WITH M. R. APP. P. 4.

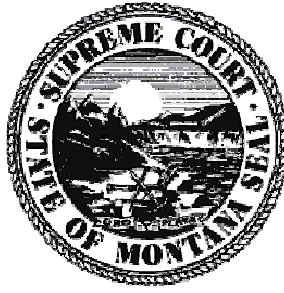
A true copy of this notice has been mailed on the date hereof to all attorneys of record and to all parties not represented by an attorney.

Dated September 30, 2009

Sincerely,



ED SMITH
Clerk of the Supreme Court



IN THE SUPREME COURT OF THE STATE OF MONTANA
THE OFFICE OF THE CLERK OF SUPREME COURT
HELENA, MONTANA 59620-3003

CHARLES LEWIS DENDY
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JOHNSON RODENBURG LAUNGER
PO BOX 4127
BISMARCK ND 58502-4127

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4. ____ That all available transcripts of the proceedings in this cause involving the issue(s) appealed ____ have been/have not been ____ ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.

5. ____ That all available transcripts of the proceedings in this cause involving the issue(s) cross-appealed ____ have been/have not been ____ ordered from the court reporter contemporaneously with the filing of this notice of cross-appeal. If all available transcripts have not been ordered, that Cross-Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of cross-appeal.

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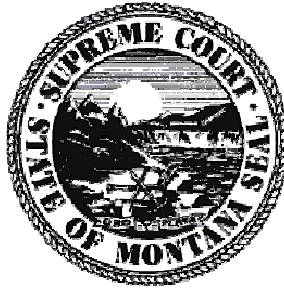
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STEVEN M JOHNSON
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21 3RD ST N 3RD FLOOR
PO BOX 1645
GREAT FALLS MT 59403-1645

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